

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FOURTH DAY OF MAY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 11490 of 2005

Between:

M/s. Minar Weigh Bridge,rep.by its Partner Mohd.Mahmood Ali,

S/o. Late Mohd.Mohboob Ali, R/o. H.No. 16-2-60/1, Akbar Bagh,
Malakpet, Hyderabad.

..... PETITIONER

AND

The Commissioner , L.B.Nagar Municipality,
L.B.Nagar, Ranga Reddy District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the Notice of the respondent Dt.10.5.2005, whereunder directing the petitioner Firm to shift the M/s. Minar Weigh Bridge located at premisesNo.4-106/11, L.B.Nagar 'X' Roads L.B.Nagar, Ranga Reddy District with in 7 days as illegal, void, violative of Articles 19,21 and 300-A of the Constitution of India and also gross violation of Judgment dt.27-4-2005 made in W.P.No.9894 of 2005, and consequently direct the respondent not to initiate any action in pursuance of his Notice dt.10.5.2005 without following the due process of law, and to pass such other order or orders.

Counsel for the Petitioner : MR.MOHD.ZIA-UL-HAQ

Counsel for the Respondent: MR.P.RADHAKRISHNA

The Court at the stage of admission, made the following :

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ORDER:

This Writ Petition is filed questioning the notice, dated 10.05.2005 issued by the Commissioner of L.B. Nagar Municipality requesting the petitioner to shift M/s. Minar Weigh Bridge located at L.B. Nagar Cross Roads within seven days.

Admittedly, the said notice was issued in violation of the principles of natural justice. The respondents themselves have granted licence and necessary permission for erection of the weigh bridge. When once the weigh bridge is erected and if the same has become an obstruction to the pedestrians and for free movement of the vehicles, it is always open for the respondent to take appropriate decision by following the due procedure prescribed under law.

In view of the fact that the notice dated 10.05.2005 is issued in violation of the principles of natural justice, the same is set aside and the writ petition is allowed leaving it open to the respondent to follow the procedure prescribed under law and take appropriate decision.

(V.ESWARAIAH, J)

Dt: 24.05.2005

NOTE: Furnish C.C by tomorrow

bsv/lvl

To

1. The Commissioner , L.B.Nagar Municipality,
L.B.Nagar, Ranga Reddy District.

2. One CC to MR.POLISETTI RADHAKRISHNA (SC FOR MPL)

3. Two CD copies